

TEMKIN WIELGA & HARDT LLP

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May 27, 2015

VIA EMAIL & REGULAR MAIL

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
E-mail: r8foia@epa.gov

Re: Freedom of Information Act Request

Freedom of Information Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C § 552, the United States Environmental Protection Agency's ("EPA") FOIA implementing regulations, 40 C.F.R. Part 2, and any other applicable federal statutes, rules and regulations, Temkin Wielga & Hardt, LLP ("WH"), on behalf of Aspen Acquisitions, LLC hereby requests the following records from EPA related to Smuggler Mountain Superfund Site, Pitkin County, Colorado (the "Site"):

1. Hazard Ranking Package for NPL Listing, 1984;
2. RI/FS Report, March 1986 (looking for composite map in pocket at end of Vol. 1) (referenced at RI/FS Report p. 4-3);
3. RI/FS Addendum for Operable Unit 2 ("OU2"), May 1986;
4. URS, Smuggler Mountain OU2 Sampling Activities Report, April 1993;
5. Partial Consent Decree with Pitkin County, March 1995, and any amendments thereto;
6. Engineering Evaluation/Cost Analysis (EE/CA) for OU2, January 1995;

7. OU2 Action Memorandum, April 1995;
8. Administrative Order on Consent (AOC) with the New Smuggler Mine Corporation relating to OU2 of the Site, including any attachments or exhibits, May 1995 (April 1995 OU2 Action Memorandum—should be an attachment);
9. Amendment to the OU2 Administrative Order on Consent, including any attachments or exhibits, May 1999, and any subsequent AOC amendments; and
10. Any and all other documents related to OU2 of the Site, post-dating June 2012 Five-Year Review.

If any part of this/these record(s) is not produced based on a claim of privilege or other exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the dates of creation of the record; (iii) the subject of the record; (iv) identity of the author and all recipients of the record; (v) the names of all the people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the records and which specific statutory and regulatory provision support the withholding. To the extent any response documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt materials contained within such documents.

Please contact me with any inquiries, notices of determinations at the address or telephone number above or by email at middleton@twhlaw.com. If the cost for EPA's response exceeds \$75.00 please contact me before proceeding.

Sincerely,



Joseph G. Middleton